

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SCOTTY LEE BRADBERRY,

Plaintiff,

v.

BOBBY LUMPKIN, *et al.*,

Defendants.

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2:20-CV-298-Z-BR

FINDINGS, CONCLUSIONS, AND RECOMMENDATION TO DISMISS

Plaintiff, Scotty Lee Bradberry, filed a complaint naming a series of defendants as parties. By Order dated November 10, 2022, the Court required Plaintiff to state his intention to proceed with this matter. (ECF 13). The Order was sent to Plaintiff but returned as undeliverable. (ECF 15). Since that time, Plaintiff has not attempted to communicate with the Court in any way.¹

RECOMMENDATION

For the reasons discussed herein, it is the RECOMMENDATION of the United States Magistrate Judge to the United States District Judge that the claims of Plaintiff be DISMISSED FOR WANT OF PROSECUTION.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Findings, Conclusion and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED on July 13, 2023.


LEE ANN RENO
UNITED STATES MAGISTRATE JUDGE

¹ Even if Plaintiff had replied to pursue his claim, the Fifth Circuit has repeatedly held that TDCJ took timely and appropriate steps to protect inmates from the pandemic. *Valentine v. Collier*, 956 F.3d 797 (5th Cir. 2020); *Valentine v. Collier*, 993 F.3d 270 (5th Cir. 2021).

*** NOTICE OF RIGHT TO OBJECT ***

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). **Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed** as indicated by the “entered” date. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled “Objections to the Findings, Conclusions and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge and accepted by the district court. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1), *as recognized in ACS Recovery Servs., Inc. v. Griffin*, 676 F.3d 512, 521 n.5 (5th Cir. 2012); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).